



RICHARD J. CODEY
ACTING GOVERNOR

STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR.
COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
July 13, 2005**

**Rolando Torres, Jr., Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

DATE: June 29, 2005

TO: Rolando Torres, Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the Classification Plan

ENVIRONMENTAL PROTECTION

The Department of Environmental Protection requests the establishment of four intermittent titles as part of an initiative to convert thirty (30) hourly employees to either part time or intermittent positions. These functions are currently classified by Temporary Employment Service (TES) titles, which are restricted to a specific number of working hours per fiscal year. However, the demands, working hours and schedules of these seasonal functions are such that the TES designation is no longer appropriate.

Intermittent titles are assigned to the Non-Competitive Division of the career service in accordance with Department regulations.

ADDITION OF INTERMITTENT TITLES

Effective: 04/02/2005

Intermittent Maintenance Worker 1
O10 - _____ Non-Competitive M 40/12

Intermittent Grounds Worker
O10 - _____ Non-Competitive M 40/12

Intermittent Greenhouse Worker
O10 - _____ Non-Competitive M 40/12

Intermittent Wildlife Worker
O09 - _____ Non-Competitive M 40/12

DATE: June 30, 2005

TO: Rolando Torres, Jr., Commissioner
Department of Personnel

FROM: Elizabeth Van Marter, Director
Human Resource Management

SUBJECT: Change in the State Classification Plan

GENERAL

The Department of Transportation requests to establish a new title for general use.

The title will be used to supervise staff responsible for providing hardware maintenance support services. Two workweeks are needed to accommodate the work schedules of the user agencies.

The appropriate negotiations representatives have been notified and support this request. The bargaining unit assignment was established by the Office of Employee Relations.

ESTABLISHMENT OF TITLE

Effective: 03-19-05

Supervisor, Information Technology
R30-_____ * Career 3E/12

Supervisor, Information Technology
R31-_____ * Career NL/12

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Pedro Cancel
County of Passaic
Sheriff's Department
Removal

In the Matter of Tarah Gilbert
Vineland Developmental Center
Department of Human Services
Release at the end of the working test period

In the Matter of Harry Keat
Edna Mahan Correctional Facility
Department of Corrections
Suspension and Removal

In the Matter of Paul Kubala
County of Sussex
Department of Engineering and Planning
Resignation not in good standing

In the Matter of Wysheka Lowery
New Jersey Veterans Memorial Home Paramus
Removals (2)

In the Matter of Aida Molina
Motor Vehicle Commission
Release at the end of the working test period

In the Matter of Beth Paterson
County of Monmouth
Department of Health Care Facilities

In the Matter of David Rokeach
East Jersey State Prison
Department of Corrections
Suspension

In the Matter of Ahmed Siddiq
County of Monmouth
Department of Health Care Facilities
Suspension

In the Matter of Leroy Willis
Rowan University
Removal

In the Matter of Judy Sanderlin
County of Salem
Sheriff's Department
Removal

In the Matter of Verona Wilson
Woodbridge Developmental Center
Department of Human Services
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE
ABOVE CASES – SETTLEMENT**

ACTION:

A2 HORACE BOLLING

Horace Bolling, Recreation Aide, Trenton Psychiatric Hospital, Department of Human Services, resignation not in good standing effective October 24, 2003, on the charge of job abandonment.

Recommendation of the Administrative Law Judge – Modify the resignation not in good standing to a resignation in good standing.

ACTION:

A-3 EDWARD CARLSEN

Edward Carlsen, Firefighter, City of Jersey City, Department of Fire and Emergency Services, forfeiture of four 24 hours days equal to 96 hours on the charge of excessive absenteeism.

Recommendation of the Administrative Law Judge – Dismiss appeal without prejudice.

ACTION:

A-4 HECTOR FUENTES

Hector Fuentes, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, 30-day suspension on charges of conduct unbecoming a public employee and verbal abuse of an inmate, patient, client, resident or employee.

Recommendation of the Administrative Law Judge – Reverse the 30-day suspension.

ACTION:

A-5 JOHN GRAHAM

John Graham, Senior Correction Officer, Juvenile Justice Commission, Department of Law and Public Safety, six-month suspension on charges of conduct unbecoming a public employee, neglect of duty, negligence in performing duty resulting in injury to persons or damage to property, failure to report injury, abuse, or accident involving inmates, residents, patients, or clients and violation of a rule, regulation, policy, procedure, order, or administrative decision.

Recommendation of the Administrative Law Judge – Reverse the six-month suspension.

ACTION:

A-6 KIWANDA LEAK

Kiwanda Leak, Human Services Assistant, Woodbridge Developmental Center, Department of Human Services, 20-day suspension on the charge of conduct unbecoming a public employee and removal effective September 17, 2004, on charges of falsification, intentional misstatement of material fact in connection with work and attendance.

Recommendation of the Administrative Law Judge – Dismiss the appeal for failure to appear at the scheduled hearing.

ACTION:

A-7 STEVEN MCKOY

Steven McKoy, Human Services Assistant, Trenton Psychiatric Hospital, Department of Human Services, 20-day suspension on charges of violation of a rule, policy, procedure, inappropriate physical contact or mistreatment of a patient and verbal abuse of a patient.

Recommendation of the Administrative Law Judge – Uphold the 20-day suspension.

ACTION:

A-8 DANILO POLO

Danilo Polo, Police Officer, Township Willingboro, Department of Community Development, 25-day suspension on charges of fighting/quarreling with members of the department, refusal to obey a proper order from a superior officer, using profane language to a superior officer and failure to submit a proper report.

Recommendation of the Administrative Law Judge – Uphold the 25-day suspension.

ACTION:

A-9 WILLIAM FATUM

William Fatum, Program Development Specialist I, Juvenile Justice Commission, Department of Law and Public Safety, removal effective February 18, 2000, on charges of conduct unbecoming a public employee and neglect of duty. This matter was previously presented to the Merit System Board at its regular meeting of June 22, 2005, but was held over for further review.

Recommendation of the Administrative Law Judge – Modify the removal to a six-month suspension.

A-10 RICHARD HOLLAND

Richard Holland, Grounds Worker, Rowan University, removal effective November 7, 1997, on charges of conviction of a crime and conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-11 WILLIE MCNEIL

Willie McNeil, County Correction Officer, County of Burlington, County Jail, two ten-day suspensions, a 20-day and a 15-day suspension and removal effective May 25, 2004, on charges of chronic or excessive absenteeism or lateness and violation of the attendance and lateness policy.

Recommendation of the Administrative Law Judge – Uphold the two ten-day suspensions, uphold the 20-day and 15-day suspensions and uphold the removal.

ACTION:

A-12 GAIL PHILLIPS-VEAL

Gail Phillips-Veal, Custodial Worker, Newark School District, removal effective March 19, 2004, on charges of insubordination, chronic or excessive absenteeism or lateness, conduct unbecoming a public employee, neglect of duty and other sufficient cause.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-13 KATHLEEN WILSON

Kathleen Wilson, Sheriff's Officer, County of Camden, Sheriff's Department, removal effective April 29, 2004, on charges of conduct unbecoming a public employee, and insubordination.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-14 DARRYL MARTIN

Darryl Martin, Sheriff Officer, County of Monmouth, Sheriff's Department, appeals his entitlement to back pay, benefits, leave time and seniority. This matter was previously presented to the Merit System Board at its regular meeting of May 18, 2005, but was held over for testimony summary.

Recommendation of the Administrative Law Judge – Grant full back pay, reimbursement of medical expenses and lost vacation days in the amount of \$159,308.48.

ACTION:

SECTION B – MISCELLANEOUS MATTERS**B-1 MARCELINO ARCE**

Marcelino Arce appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 SEAN T. GRAHAM

Sean T. Graham appeals the removal of his name from the (S9999D) County of Monmouth eligible list for the title of County Correction Officer on the basis of psychological unfitness.

ACTION:

B-3 EMILIO NAZARIO

Emilio Nazario appeals Mercer County's request to remove his name from the eligible list for Sheriff's Officer (S9999B) on the basis of an unsatisfactory background report and falsification of his application. The appellant also appeals Trenton's request to remove his name from the eligible list for Police Officer (S9999D) on the basis of an unsatisfactory background report and a failed psychological examination.

ACTION:

B-4 LUCRETIA BELLAMY

Lucretia Bellamy, a Senior Clerk Typist at the Central Reception and Assignment Facility, Department of Corrections, represented by William L. Kauffman, Staff Representative CWA Local 1040, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-5 LEONARD CARTER

Leonard Carter, a Senior Correction Officer with South Woods State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-6 MATTHEW CIPRIANO

Matthew Cipriano, an Instructor Counselor with Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-7 CATINA CLARK

Catina Clark, a Correction Officer Recruit, Juvenile Justice with the Juvenile Justice Commission, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-8 CHARLES CLAYTON

Charles Clayton, a Senior Correction Officer at the New Jersey State Prison, Department of Corrections (DOC), appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-9 SONYA CONYERS-MASON

Sonya Conyers-Mason, a Senior Youth Worker with the Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-10 LEWIS DUTTON

Lewis Dutton, a former Correction Sergeant with South Woods State Prison, Department of Corrections, appeals the denial of sick leave (SLI) benefits.

ACTION:

B-11 DAWN GALLAGHER

Dawn Gallagher, a Legal Secretary 1 with the Department of Law and Public Safety, represented by Jesse J. Averhart, Executive Vice President, CWA Local 1033, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-12 JAMES GARDNER, JR.

James Gardner, Jr. a Senior Correction Officer with New Jersey State Prison, Department of Corrections, represented by Brian W. Shea, Esq., appeals the denial of additional sick leave injury (SLI) benefits.

ACTION:

B-13 PAUL GROTZ

Paul Grotz, a Maintenance Worker 1, Transportation, with the Department of Transportation, appeals the denials of sick leave injury (SLI) benefits.

ACTION:

B-14 NOVELLA HANNAH-GREGORY

Novella Hannah-Gregory, a Residential Living Specialist with the Vineland Developmental Center, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-15 EDWARD HINKLE

Edward Hinkle, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-16 DENIS JASLOW

Denis Jaslow, a Senior Correction Officer with East Jersey State Prison, Department of Corrections, represented by Henry J. Cistrelli, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-17 LINDA JOHNSON

Linda Johnson, a Technical Assistant with New Jersey City University, represented by John Polk, Staff Representative, CWA Local 1031, appeals the denial of sick leave injury (SLI) benefits

ACTION:

B-18 TARA M. KLINE

Tara M. Kline, a Charge Nurse with the Ancora Psychiatric Hospital, Department of Human Services (DHS), appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-19 BEVERLY LAPSLEY

Beverly Lapsley, a Deputy Attorney General 3 with the Department of Law & Public Safety, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-20 ELIZABETH LIBBY

Elizabeth Libby, a Practical Nurse with Woodbine Developmental Center, Department of Human Services appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-21 LANETTE LITTLE

Lanette Little, a Correction Officer Recruit at Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-22 MARCUS MARCANO

Marcus Marciano, a Senior Correction Officer at Riverfront State Prison, Department of Corrections, represented by Joseph A. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-23 VIRGINIA MARSHALL

Virginia Marshall, a Senior Therapy Program Assistant at Trenton Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-24 COLLEEN MCCOLLUM

Colleen McCollum, a Family Service Specialist 2 with the Division of Youth and Family Services, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-25 RAYMOND MERCADO

Raymond Mercado, a Senior Corrections Officer with Northern State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-26 DOROTHY NUTTAL

Dorothy Nuttal, a Senior Correction Officer at Southern State Correctional Facility, Department of Corrections, represented by Joseph Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-27 BOBBY SALTER

Bobby Salter, an Electrician at South Woods State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-28 LORETTA SAMUELS

Loretta Samuels, a Cottage Training Technician with the North Jersey Developmental Center, Department of Human Services (DHS), represented by Robert J. Wegner, Jr., Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-29 RICHARD SMITH

Richard Smith, an Instructional Trade Instructor 1, Farm Operations with the Department of Corrections appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-30 RENEE J. SYMS

Renee J. Syms, a Senior Correction Officer with the Garden State Reception and Youth Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-31 COREY TULBAND

Corey Tulband, a Senior Correction Officer with the New Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-32 BRANDI WELLS

Brandi Wells, a Correction Officer Recruit with South Woods State Prison, Department of Corrections, represented by Joseph a. Carmen, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-33 CHRISTOPHER ASLIN

Christopher Aslin, represented by David J. DeFillippo, Esq., appeals the bypass of his name on a certification of the Police Captain (PM3566E), City of Linden, eligible list.

ACTION:

B-34 RODNEY CARTER, JR.

Rodney Carter, Jr., appeals the determination of the Division of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Fire Fighter (M2013A), City of Camden on the basis that the appellant resided outside the residency scope.

ACTION:

B-35 DENISE COONEY

Denise Cooney appeals her removal from the eligible list for Employment Specialist (C0109D), Essex County for failure to respond to the certification.

ACTION:

B-36 CHRISTOPHER HENDERSON

Christopher Henderson appeals the decision of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the Fire Fighter (M2013A), City of Camden, eligible list due to the falsification of his employment application and his criminal record.

ACTION:

B-37 ROSALI LABOY, JR., *ET AL.*

Rosali Laboy, Jr., Juan Martinez, and Cole Pettus, represented by James Katz, Esq., appeal the removal of their names from the Supervising Laborer (PM0798D), City of Camden (City), eligible list on the basis that they were no longer employed in the announced organizational/unit scope of the examination. The appellants also request that the eligible list be certified against the provisional position occupied by Merritt Spratley in the City's Public Works Department.

ACTION:

B-38 RAFAEL A. MATTEO

Rafael A. Matteo appeals the decision of the Division of Human Resource Information Services (HRIS) which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for Police Officer (S9999D), City of East Orange, on the basis that he failed to respond to the certification notice.

ACTION:

B-39 MICHAEL SANTOS

Michael Santos appeals the decision of Human Resource Information Services which found that the appointing authority had presented a sufficient basis to remove his name from the eligible list for County Correction Officer (S9999D), Hudson County, on the basis that he was outside the residency scope.

ACTION:

B-40 DENNIS SHIPMAN

Dennis Shipman appeals the removal of his name from the eligible list for Public Information Assistant (M0617F), Jersey City on the basis that he lacked the required education and/or experience required for the position.

ACTION:

B-41 JAVIER CAMPOS AND GABRIEL CARRASQUILLO

Terence Reidy, City Manager, City of Asbury Park, requests administrative relief on behalf of Javier Campos and Gabriel Carrasquillo, who serve in the Police officer (Bilingual in Spanish and English) title.

ACTION:

B-42 ANTHONY HEARN

Anthony Hearn, a Planning Associate 1 with the Department of Education, represented by Sidney H. Lehmann, Esq., appeals the determination of the Commissioner of Education (DOE) stating that the appellant had violated the State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace (State Policy).

ACTION:

B-43 FLORA ILCONICH

Flora Ilconich, an Intermittent Labor Clerk with the Department of Labor and Workforce Development, appeals the determination of the Equal Employment Opportunity and Affirmative Action Officer, stating that the appellant failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-44 KEITH SEIBERT

Keith Seibert, a former Lieutenant with the Division of State Police, Department of Law and Public Safety (DL&PS), represented by Bray B. Barnes, Esq., appeals the determination of the DL&PS' Deputy Chief of Staff, stating that there was probable cause to substantiate a finding that he violated the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-45 PATRICK WRIGHT

Patrick Wright, a former Aide with the Commission for the Blind and Visually Impaired (CBVI), Department of Human Services, appeals the determination of the Director of the Office of Equal Employment Opportunity (EEO), that there was no basis to conduct an investigation into whether the appellant had been subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-46 MICHAEL GUARINO

Michael Guarino, represented by Michael A. Bukosky, Esq., petitions the Merit System Board to reconsider its decision rendered March 23, 2005, which denied the petitioner's request for a stay of that portion of disciplinary action requiring the petitioner to attend anger management counseling and be reassigned to a different job location, pending the outcome of his appeal to the Board.

ACTION:

B-47 KAROL HENNESSEY

Karol Hennessey, a permanent part-time Omnibus Operator with the County of Gloucester, represented by Richard A. Dann, President, CWA Local 1085, petitions the Merit System Board for reconsideration of the decision rendered on February 23, 2005, which upheld her temporary separation from her position as an Omnibus Operator and temporary reassignment to a clerical position.

ACTION:**B-48 ACCOUNT CLERK TYPING (M7198F), CITY OF TRENTON**

The appointing authority's failure to dispose of the certification for Account Clerk Typing, while two provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:**B-49 ATLANTIC CITY HOUSING AUTHORITY**

The employees of the Atlantic City Housing Authority (Housing Authority), represented by Colleen B. Reilly, Senior Staff Representative, CWA Local 1034, petition the Merit System Board to prevent the Housing Authority from withdrawing from the Merit System, Pursuant to *N.J.S.A. 40A:12A-18(c)*.

ACTION:**B-50 MICHAEL A. DEPOMPEO**

The Superior Court of New Jersey, Appellate Division, has reversed the Merit System Board's (Board) refusal to entertain a working test period appeal of Michael A. DePompeo and remanded the matter to the Board for further proceedings consistent with its decision.

ACTION:**B-51 RONALD ENGLISH**

Ronald English, an Investigator, Motor Carriers, with the Motor Vehicle Commission (MVC), appeals the decision of the MVC that he was not entitled to additional seniority and benefits.

ACTION:

B-52 FIRE CHIEF (PM3588E), HILLSIDE TOWNSHIP

The failure of Hillside Township to comply with Merit System law and rules concerning the employment of Robert Kreszl has been referred to the Merit System Board for enforcement.

ACTION:

B-53 ARTHUR MONTA AND WILLIAM KARASIK

Arthur Monta and William Karasik, former Police Officer with the Township of Sparta, represented by Ericka A. Appenzeller, Esq., request hearings regarding their removals from employment, effective March 9, 2004, on charges.

ACTION:

B-54 JOSEPH MUNIZ

Joseph Muniz, Senior Correction Officer, appeals an Official Written Reprimand issued by the Department of Corrections.

ACTION:

B-55 NICHOLAS NORTON

Nicholas Norton, a former Public Safety Telecommunicator with the Lodi Police Department, represented by Paul M. Uhlik, Esq., appeals his resignation in good standing effective September 15, 2004.

ACTION:

B-56 MICHAEL VIDAL

Michael Vidal, a former Campus Police Officer with Kean University, represented by Christopher Vaz, Esq., requests a hearing on his separation from employment at the end of his working test period (WTP), effective June 28, 2004 and his removal on charges also effective June 28, 2004.

ACTION:

B-57 DAVID SALVATORE V. DEPARTMENT OF THE TREASURY

Administrative Law Judge (ALJ) Maria Mancini La Fiandra issued an Order of Consolidation and Predominant Interest in the matter of David Salvatore v. Department of the Treasury. In that order, the ALJ determined that the matters be consolidated and that the Merit System Board had the predominant interest. Based on the ALJ's Order, the Merit System Board and PERC developed a joint order adopting the ALJ's Order with clarification. The Joint Order is now submitted for the Board's review.

ACTION:**B-58 CRYSTAL HARLEY**

The appeal of Crystal Harley, a County Correction Officer with Burlington County of her six-day suspension beginning October 6, 2003, on charges, was heard by Chief Administrative Law Judge Laura Sanders (ALJ), who rendered her initial decision on May 3, 2005. At its meeting on June 8, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the penalty to a verbal warning. Rather, the Board modified the six-day suspension to an official written reprimand. The proposed decision is now submitted for the Board's review.

ACTION:**B-59 VERNON ALLEN**

The appeal of Vernon Allen, a Motor Vehicle Operator 1 with the New Jersey Veterans Memorial Home at Paramus, Department of Military and Veterans Affairs, of his removal effective June 28, 2004, on charges, was heard by Administrative Law Judge Maria Mancini La Fiandra (ALJ), who rendered her initial decision on May 23, 2005. At its meeting on June 22, 2005, the Merit System Board (Board) did not adopt the ALJ's recommendation to modify the removal to a three-month suspension. Rather, the Board ordered that the matter be remanded to the Office of Administrative Law. The proposed decision is now submitted for the Board's review.

ACTION:

B-60 BARBARA GREEN

The appeal of Barbara Green, an Executive Assistant 2 with the Department of Corrections, of the determination of the Director, Equal Employment Division (EED) that she failed to present sufficient evidence that she was subjected to a violation of the New Jersey State Policy Prohibiting Discrimination, Harassment and Hostile Environments in the Workplace, was heard by Administrative Law Judge (ALJ) Barry N. Frank, who rendered his initial decision on March 3, 2005. At its meeting June 22, 2005, the Merit System Board (Board adopted the ALJ's recommendation to deny the appeal. The proposed final decision is now submitted for the Board's review.

ACTION:**B-61 WAYNE KOZAK**

The appeal of Wayne Kozak, a Behavior Modification Program Technician at the Woodbridge Developmental Center (WDC), Department of Human Services, of his resignation not in good standing and removal on charges was heard by Administrative Law Judge James W. Faison (ALJ), who rendered his initial decision on May 25, 2005. At its meeting on June 22, 2005, the Merit System Board did not adopt the ALJ's recommendation to uphold the resignation not in good standing and removal. Rather, the Board reversed the resignation not in good standing and modified the removal to a three-month suspension. The proposed decision is now submitted for the Board's review.

ACTION:**B-62 GERARDINA LOCASCIO**

The appeal of Gerardina LoCascio, a former Senior Library Assistant with the Bloomfield Public Library, of her layoff, effective July 21, 2003, was before Administrative Law Judge Elinor R. Reiner (ALJ), who rendered her initial decision on May 9, 2005. At its meeting on June 22, 2005, the Merit System Board (Board) adopted the ALJ's recommendation to grant summary decision in favor of the appointing authority and dismiss the appellant's appeal. The proposed final decision is now submitted for the Board's review.

ACTION:

B-63 ANGEL SUERO

The appeal of Angel Suero, a Security Guard with the Newark School District, of his resignation not in good standing effective May 7, 2001, on charges, was heard by Administrative Law Judge jesse H. Strauss (ALJ), who rendered his initial decision on May 24, 2005. At its meeting on June 22, 2005, the Merit System Board (Board) adopted the ALJ's recommendation to uphold the resignation not in good standing. The proposed final decision is now submitted for the Board's review.

ACTION:**B-64 CHERYL ANN ARANDA AND SILENDRA BAIJNAUTH**

Cheryl Ann Aranda and Silendra Baijnauth appeal the determination of the Division of Selection Services which found that they did not meet the experience requirement for the open competitive examination for Administrative Analyst (M6840F), City of Jersey City.

ACTION:**B-65 JAMES P. BOLDEN**

James P. Bolden appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for the open-competitive examination for Business Manager (C4107F), County of Essex.

ACTION:**B-66 CAROL BOVE**

Carol Bove appeals the determination of the Division of Selection Services, which found that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Administrative Assistant 3 (PS4180T), Department of Transportation.

ACTION:

B-67 MARK BRAWLEY

Mark Brawley appeals the determination of the Division of Selection Services that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Engineering Technician 4 (PS4547T), Department of Transportation.

ACTION:

B-68 BARBARA BRETTELL

Barbara Brettell appeals the determination of the Division of Selection Services which found that, per the substitution clause, she did not meet the experience requirements for the promotional examination for Administrative Assistant 2 (PS4155P), Department of Law and Public Safety.

ACTION:

B-69 VENDA BRINSON-MUSLIM

Venda Brinson-Muslim appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for examination for Administrative Assistant 2 (PS4525P), Juvenile Justice Commission.

ACTION:

B-70 MARIAN BUCCI

Marian Bucci appeals the decision of the Division of Selection Services that found that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Administrative Analyst 2 Procurement (PS1155P), Department of Law and Public Safety.

ACTION:

B-71 DANIEL W. CHRISTOFFERSON

Daniel W. Christofferson appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirements for the open-competitive examination for Training Officer, Law Enforcement (C6303F), County of Essex.

ACTION:

B-72 RICHARD D. CHURCHMAN

Richard D. Churchman appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Mason (PM0646F), Hamilton Township.

ACTION:

B-73 DARYL D'AMORE

Daryl D'Amore appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open-competitive examination for Chief Emergency Medical Technician (M9468G), Clifton.

ACTION:

B-74 PATTI L. DAVIS

Patti L. Davis appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Instructor Counselor (S0326F).

ACTION:

B-75 JOSE A. FIGUEROA AND ROBERTO A. PRETTO

Jose A. Figueroa and Roberto A. Pretto appeal the determination of the Division of Selection Services which found that they did not meet the experience requirements for the open-competitive examination for Mechanic (M0731F), City of Newark.

ACTION:

B-76 SUSAN FISHER-ETHERTON

Susan Fisher-Etherton appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Social Worker 2, Corrections (S0354F), Corrections.

ACTION:

B-77 KATHLEEN GANDY

Kathleen Gandy appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the qualifying examination for Principal Clerk Bookkeeper, Southern State Correctional Facility.

ACTION:

B-78 ERIC GREEN

Eric Green appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the promotional examination for Assistant Superintendent, Mosquito Extermination (PC0934F), Passaic County.

ACTION:

B-79 JAMIE HAMILTON

Jamie Hamilton appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the promotional examination for Computer Operator 3 (PS3325K), Department of Human Services.

ACTION:

B-80 DAVID HARRIS

David Harris, represented by Adam Liebttag, Staff Representative, CWA Local 1034, appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Contract Administrator 2, Environmental Protection (PS3914G), Department of Environmental Protection.

ACTION:

B-81 HARRINGTON HENRY

Harrington Henry appeals the determination of the Division of Selection Services (Selection Services) that he did not meet the experience requirements for the promotional examination for Construction Code Inspector 2 (PS3391N), Department of Labor and Workforce Development (DOL).

ACTION:

B-82 KYNA HERRING AND SUZANNE WOLK

Kyna Herring and Suzanne Wolk appeal the determinations of the Division of Selection Services which found that, per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Senior Income Maintenance Technician (PS3264K), Department of Human Services.

ACTION:

B-83 ELISE HOKETT

Elise Hokett appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Admissions & Records Officer (C6345F), Hudson County.

ACTION:

B-84 SHELLNADINE IRBY

Shellnadine Irby appeals the determination of the Division of Selection Services that she did not meet the experience requirement for the open competitive examination for Instructor Counselor (S0326F).

ACTION:

B-85 EDWARD MCANDREW

Edward McAndrew appeals the determination of the Division of Selection Services which found that he was below the minimum requirements in experience for a prospective promotional examination for the title of Engineer-in-Charge of Maintenance 1, Bayside State Prison.

ACTION:

B-86 BARBARA MCCLAUGHLIN AND REVA BETHEA

Barbara McLaughlin and Reva Bethea appeal the determination of the Division of Selection Services, which found that per the substitution clause for education, they did not meet the experience requirements for the promotional examination for Administrative Analyst 4 (PS4120K), Department of Human Services.

ACTION:

B-87 MANALI PATANKAR ET AL.

Manali Patankar, Donna Picerno, Julia Reardon, and Susan Shipp appeal the determination of the Division of Selection Services which found that, per the substitution clause for education, they were below the minimum requirements in experience for the promotional examination for Program Support Specialist 2 (Assistance Programs) (PS3603K), Division of Medical Assistance and Health Services.

ACTION:

B-88 ANNE M. RADZIUNAS

Anne M. Radziunas appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for the promotional examination for Senior Standards and Procedures Technician, Environmental Protection (PS1251G), Department of Environmental Protection.

ACTION:

B-89 CHRISTINE SCOTT

Christine Scott appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Senior Technician, Management Information Systems (PS4584U), Office of Information Technology.

ACTION:

B-90 TIFFANY STROTHERS

Tiffany Strothers appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the open competitive examination for Principal Laboratory Technician (S0387G).

ACTION:

B-91 ROBERT TILBURY

Robert Tilbury appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examination for Truck Driver (C9737F), Burlington County.

ACTION:

B-92 GARY TRUESDELL

Gary Truesdell appeals the decision of the Division of Selection Services which found that he did meet the requirements for the promotional examination for the “dual” title Chief Parking Enforcement Officer/Parking Meter Supervisor (PM0947F), Atlantic City.

ACTION:

B-93 JAMES CULLEN

James Cullen appeals his score for the oral portion of the examination for Police Captain (PM3575E), Morristown.

ACTION:

B-94 VINCENT GRANESE

Vincent Granese appeals his score on the examination for Fire Chief (PM3537F), Atlantic City.

ACTION:

B-95 WILLIAM GROCOTT, JR.

William Grocott, Jr. appeals his score for the oral portion of the examination for Police Captain (PM3546F), Ewing Township.

ACTION:

B-96 SCOTT MACFIE

Scott MacFie appeals his score for the oral portion of the examination for Police Captain (PM3552F), Kearny.

ACTION:

B-97 NICHOLAS MANENTE, JR.

Nicholas Manente, Jr. appeals his score for the oral portion of the examination for Police Captain (PM3549F), Hoboken.

ACTION:

B-98 DONALD MOYE

Donald Moye appeals his score for the oral portion of the examination for Police Captain (PM3577F), Plainfield.

ACTION:

B-99 STEVEN OLIVO

Steven Olivo appeals his score for the oral portion of the examination for Police Captain (PM3562F), Paterson.

ACTION:

B-100 GERARD ORLANDO

Gerard Orlando appeals his score for the oral portion of the examination for Police Captain (PM3564F), Roselle.

ACTION:

B-101 THOMAS OSBORNE

Thomas Osborne appeals his score for the oral portion of the examination for Police Captain (PM3552F), Kearny.

ACTION:

B-102 GREGORY REED

Gregory Reed appeals his score for the oral portion of the examination for Police Captain (PM3552F), Kearny.

ACTION:

B-103 JAMES VERNER

James Verner appeals his score on the promotional examination for Manager 1, Fiscal Resources (PS4591F), Department of Education.

ACTION:

B-104 RICHARD WRIGHT

Richard Wright appeals his score on the oral portion of the promotional examination for Battalion Fire Chief (PM3618E), Gloucester City.

ACTION:

B-105 DARIUS BISHOP

Darius Bishop appeals the test administration of the oral portion of the promotional examination for Fire Captain (PM3514F), Newark.

ACTION:

B-106 MARILYN GAINES

The Director of Shared Services, on behalf of the Department of Personnel, requests that Marilyn Gaines' out-of-title work experience be accepted to admit her to a qualifying examination for Technical Assistant, Personnel.

ACTION:

B-107 NICOLE MITCHELL

Nicole Mitchell appeals the administration of the Entry Level Law Enforcement Examination (S9999F).

ACTION:

B-108 STEPHEN RIZZUTO

Stephen Rizzuto appeals the determination of the Division of Selection Services which found that he did not possess the required amount of permanent status in a title to which the examination was open for the promotional examination for Senior Engineer, Transportation (PS4833T), Department of Transportation.

ACTION:

B-109 LOUIS TOSCANO

Louis Toscano requests a make-up examination for the open competitive examination for Investigator Aide, Public Defender (S6809G).

ACTION:

B-110 MARGARET VASQUEZ

Margaret Vasquez appeals her failure of the written promotional examination for Human Services Technician (PS2242K), Hagedorn Psychiatric Hospital.

ACTION:

B-111 RECENT COURT DECISIONS

Submitted for the Board's information are summaries of recent court decisions involving Merit System Board and Department of Personnel determinations *In the Matter of Anthony McKenzie* (Appellate Division, decided 4/5/05); *In the Matter of Timothy Hickman*, (Appellate Division, decided 5/20/05); *Richard M. Prevost v. Merit System Board and Hazlet Township* (Appellate Division, decided 5/25/05); and *David Martinez v. The City of Jersey City* (Appellate Division, decided 5/27/05).

ACTION:

B-112 MERIT SYSTEM BOARD MINUTES

The minutes of the Merits System Board meeting of June 22, 2005 are submitted for adoption.

ACTION: